IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION NO :3892 of 2007

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Dated: 5th March 2007.

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Between:

Government of A.P., represented by its Secretary to Government, Finance (Admn.III) Department, A.P. Secretariat, Hyderabad and another.

..... PETITIONERS

AND

Sri V.Rajamallaiah, S/o. Bhoomaiah aged 58 years, Superintendent (Retd), O/o. P.A.O., Hyderabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

W.P.NO.3892 OF 2007

ORAL ORDER:

(per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by an order in O.A.No.8004 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, dated 29-09-2006, the respondents therein preferred the present writ petition.

The abovementioned O.A., was filed for a declaration that the writ petitioners herein are bound to regularize the period of service between 07-05-2005 and 28-10-2005, as if the respondent herein were on duty and also that he is entitled for pay and other allowances for the said period.

For the abovementioned period, the respondent herein was kept under suspension initially by the petitioners herein. The said order of suspension was challenged by him earlier before the Tribunal by way of O.A.No.2179 of 2005. The said O.A., was allowed and the said order became final. Notwithstanding the said decision, it appears that the petitioners did not treat the abovementioned period as period on which the respondent was on duty. Therefore, the respondent filed the present O.A., which was allowed by the order under challenge. In view of the fact that the earlier order in O.A.No.2179 of 2005, became final, we do not see any illegality in the order under challenge.

The writ petition is, therefore, without merits and

the same is accordingly, dismissed at the stage of admission.

J.Chelameswar, J

P.Swaroop Reddy, J

mrk
5th March 2007